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EXAMINER

BAINBRIDGE, ANDREW PHILIP

ART UNIT

PAPER NUMBER

4156

NOTIFICATION DATE

DELIVERY MODE

02/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

# Office Action Summary

**Application No.**

10/541,201

**Applicant(s)**

MCMAHON ET AL.

**Examiner**

ANDREW P. BAINBRIDGE

**Art Unit**

4156

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 7/5/2005, 11/8/2005
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: the phrase "tartar sauce and barbeque sauce" should read "tartar sauce *or* barbeque sauce". Appropriate correction is required.
2. Claim 12 is objected to because of the following informalities: the phrase "predetermined pressure and." should read "predetermined pressure.". Appropriate correction is required.
3. Claim 19 is objected to because of the following informalities: the phrase "is accessible rom outside" should read "is accessible *from* outside". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 25 recites the limitation "a bracket". There is insufficient antecedent basis for this limitation in the claim.
6. Claim 26 recites the limitation "the brackets". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-5, 19, 22-23 are rejected under 35 U.S.C. 102(b)** as being anticipated by US 2,600,553 (Lord).

9. Claim 1, Lord discloses:

A condiment dispenser comprising: a holder having walls which together define an interior of the holder, one of the walls of the holder being provided with a through opening; (Figure 1-3, elements 10, 19) a condiment container having an interior containing a quantity of an edible food condiment, the condiment container being provided with a dispensing nozzle through which the condiment in the condiment container is dispensed from the condiment container, the condiment Container being adapted to be positioned in the interior of the holder with the dispensing nozzle accessible from outside the holder so that the condiment can be dispensed from the condiment container; (Figures 1-3, elements 10-11, 20) a shaft on which the condiment container is adapted to be wound to apply pressure to the condiment in the condiment container to dispense the condiment through the dispensing nozzle. (Figures 1-3, elements 22-25, col. 1, lines 30-45, col. 2, 10-40).



ter illustrate the construction thereof;

Figure 2 is a longitudinal cross-section on the line 1-1 of Figure 1; and  
Figure 3 is a bottom plan view of the tube holder illustrated in Figure 1.

With continued reference to the drawing, the tube comprises an elongated, rectangular receptacle 10 of a size and shape to loosely receive therein a conventional collapsible tube 11. This receptacle is formed of thin-walled, resilient material, a molded synthetic resin material being preferred and may be provided in various colors and with surface ornamentation, as may be desired. Two elongated slots 12 are provided, respectively, in the opposite side walls of the rectangular receptacle with each slot extending longitudinally of the corresponding side wall substan-

or and there:  
The receptacle 10 is open at one end and a flanged cover 18 is provided to fit upon the receptacle at its open end; this cover being removable for placing a tube in the receptacle.

At its opposite end the receptacle is provided with a pyramidal formation 19 having an apical opening 20 of a size to receive the screw-threaded neck 21 of the tube; as is clearly illustrated in Figure 2. This formation 19 comprises four thin-walled, resilient prongs; each of which extends from a respective side wall of the receptacle 10 to the apical opening 20 to resiliently grip the neck of a tube forced through the opening 20 from within the receptacle. A tube roller 22 is inserted through the slots 12 and extends transversely of the receptacle 10. This roller 22 comprises an elongated, cylindrical body bifurcated to provide a slot 23 extending from one end to a location adjacent the opposite end of the body. A thumb-knob 24 is provided on one end of the cylindrical body and the body is externally screw-threaded at its opposite end, as indicated at 25, and receives a hollow, internally screw-threaded cap 26 which is similar in external size to the knob 24 and provides a thumb-knob at the corresponding end of the roller. The slot 23 of the bifurcated roller receives a collapsible tube near the flattened, closed end of the tube, the furcations of the roller being firmly engaged with the tube by threading the cap 26 onto the screw-threaded end of the roller.  
In order to mount a tube in the holder, the closure cap provided on the tube is removed and

Claim 2, the recitation of a specific food condiment fails to further define the structure of the condiment dispenser. The container of Lord is capable of being filled with condiments such as ketchup, mustard....sauce.

Claim 3, Lord discloses:

The condiment dispenser according to Claim 1, wherein the condiment container is a flexible condiment containing bag positioned in the interior of the holder with an upper portion of the condiment containing bag wound around the shaft. (Figures 1-3, elements 11, 22-23, 26, col. 2, lines 30-40).

Claim 4, Lord discloses:

The condiment dispenser according to Claim 3, wherein an end portion of the shaft extends through a slot in one of the walls of the holder; and including a handle

connected to the end portion of the shaft to rotate the shaft and wind the condiment containing bag around the shaft. (Figures 1-3, elements 12, 22, 24, col. 1, lines 40-45, col. 2, lines 20-35).

Claim 5, Lord discloses:

The condiment dispenser according to Claim 1, wherein the holder has angled lower side walls. (Figures 1-3, elements 19-20, col. 2, lines 10-20).

Claim 19, Lord discloses:

A condiment dispenser for dispensing condiment from a condiment containing bag through a dispensing nozzle provided on the condiment containing bag, the condiment dispenser comprising: a holder having a plurality of upright walls surrounding an enclosed space in the holder which is adapted to receive the condiment containing bag so that the dispensing nozzle of the condiment containing bag is accessible from outside the holder; (Figure 1-3, elements 10, 19) a shaft rotatably mounted at the holder and on which the condiment containing bag is adapted to be wound to apply pressure to the condiment in the condiment containing bag and thereby dispense the condiment in the condiment containing bag through the dispensing nozzle; (Figures 1-3, elements 10-11, 20) and a handle connected to the shaft to rotate the shaft so~ as to wind .the condiment containing bag on the shaft and apply pressure to the condiment in the condiment containing bag causing the condiment to be dispensed from the dispensing nozzle. (Figures 1-3, elements 22-25, col. 1, lines 30-45, col. 2, 10-40).

Claim 22, Lord discloses:

The condiment dispenser according to Claim 19, wherein the handle is connected to an end portion of the shaft which extends through a slot in one of the walls of the holder. (Figures 1-3, element 24, col. 2, lines 20-40).

Claim 23, Lord discloses:

The condiment dispenser according to Claim 19, wherein the holder has angled lower side walls. (Figures 1-3, elements 19-20, col. 2, lines 10-20).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 2, 12-13, 15 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord and in further view of US 4,269,330 (Johnson).

12. Claim 2, Lord teaches all of the elements of claim 2 except that the edible food in the condiment container is either ketchup, mustard, mayonnaise, tartar sauce and barbeque sauce. Johnson teaches this missing element. (Figure 8, col. 1, lines 1-25). Johnson teaches a container that dispenses "proprietary sauces developed by certain fast food restaurants", which include either ketchup, mustard, or tartar sauce at a minimum. A person of ordinary skill in the art would find it obvious to adapt Lord with Johnson because both are related to cream and paste dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Johnson because Johnson shows



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that the container of Lord could hold food sauces, which adds to the versatility in application of the Lord device.

Johnson:

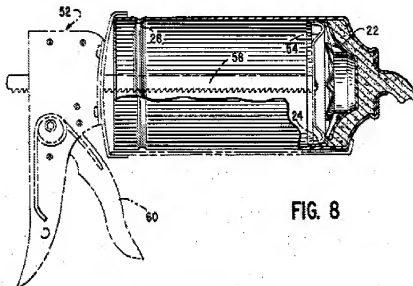


FIG. 8

My invention relates to a cartridge of the type used to extrude selected quantities of relatively thick sauces and similar viscous products, such as the proprietary sauces developed by certain fast food franchise organizations for use with hamburger sandwiches served in their stores and restaurants.

#### BACKGROUND OF THE INVENTION

Cartridges of the type to which my invention relates have been known and used for many years in various industries. In the construction industry, for example, it is well known to market caulking compounds and similar putty-like or semi-solid materials in cylindrical cartridges that have protruding nozzles at one end, through which the contents may be extruded in continuous lengths. The material so extruded has a cross-sectional form and dimension corresponding to the orifice through which it is extruded. Such cartridges are adapted to be placed in a holder with a propellable-repellable plunger at one end, the plunger being operable to exert pressure on a bottom member or plug of the cartridge. The bottom plug is axially retractable within the cylindrical body of the cartridge and is adapted to

Claim 12, Lord teaches all of the elements of claim 12 except that the spout of claim 10 has a valve that prevents condiment from being dispensed unless a certain

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predetermined pressure is created in the condiment container. Johnson teaches this missing element. (Figures 1-2, and 5, elements 44, 46, 48, col. 4, lines 60-70, col. 5, lines 1-5, col. 6, lines 5-25). Johnson teaches a valve that will not release any condiment unless a certain threshold pressure is reached in the condiment container. A person of ordinary skill in the art would find it obvious to adapt Lord with Johnson because both are related to cream and paste dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Johnson because Johnson shows that the container of Lord can be modified to prevent dispensation unless a certain pressure is reached, which will lead to a reduction in unintended dispensations.

Johnson:

FIG. 1

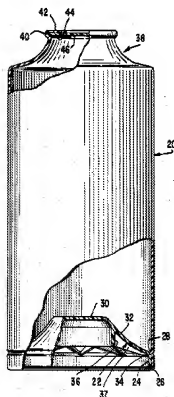


FIG. 2

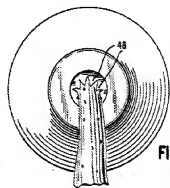
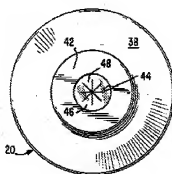


FIG. 5

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and are illustrated in the accompanying drawings which show structure embodying preferred features of the present invention and the principles thereof, and what is now considered to be the best mode in which to apply these principles.

## BRIEF DESCRIPTION OF THE DRAWINGS 65

FIG. 1 is a side view, partly in section, showing a cartridge assembly embodying my invention with the movable plug portion seated therein;

in FIGS. 2 and 3 for form a plurality of triangular segments 48.

In the presently preferred embodiment disclosed herein the cartridge body is preferably made of plastic material by a blow molding process such as is disclosed in U.S. Pat. No. 3,211,347. A satisfactory cartridge can

sure up to 400 pounds or more per square inch, which overrides the resistance of the bead 28 to displacement of the plug 22 and exerts the desired pressure on the contents of the cartridge.

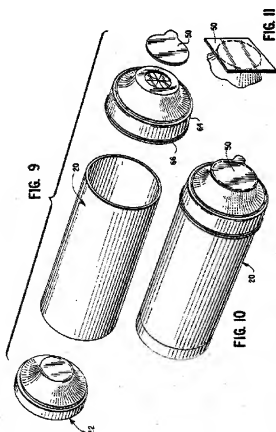
After the cartridge has been inserted in the holder 52, the seal 50 is removed, and when sauce is to be extruded, the trigger 60 is squeezed to cause the elongated ratchet 58 to advance the plunger 54 and thereby to exert pressure upon the plug 22 with which it is engaged, so as to propel said plug 22 toward the dispensing end of the cartridge. As pressure is increased on the contents of the cartridge, that pressure is exerted on the disc 46, causing the triangular segments 48 to yield outwardly, allowing product contained in the cartridge to be extruded—the amount extruded being determined by the amount of pressure exerted on the plug 22 by the person operating the holder 52. With a little practice, the holder 52 can be operated to extrude successive quantities of product that are substantially identical, volumetrically. When the plug 22 is pressed firmly against the shoulder portion 38, the last remaining product is squeezed toward the orifice 44 for extension.

The cylindrical flange 36 on the under side of the

Claim 13, Lord teaches all of the elements of claim 13 except that the valve of claim 12 is a plastic member with intersecting slits forming flaps in the plastic membrane. Johnson teaches this missing element. (Figures 1-2, and 5, elements 44, 46, 48, col. 4, lines 60-70, col. 5, lines 1-5, col. 6, lines 5-25). Johnson teaches a valve with a plastic member with intersecting slits. A person of ordinary skill in the art would find it obvious to adapt Lord with Johnson because both are related to cream and paste dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Johnson because Johnson teaches a reliable way to selectively dispense a product using plastic that reduces the chance of contamination and simultaneously provides an ability to dispense without the need of extra parts.

Claim 15, Lord teaches all of the elements of claim 15 except that the spout of claim 12 has a peelable seal to cover the valve prior to use. Johnson teaches this missing element. (Figures 9-11, elements 50, col. 5, lines 30-45). Johnson teaches a valve with a peelable seal. A person of ordinary skill in the art would find it obvious to adapt Lord with Johnson because both are related to cream and paste dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Johnson because Johnson shows a way to prevent contamination into the condiment container during storage prior to use.

Johnson:



outer peripheries. As further pressure is applied to squeeze the plunger unit 22 against the neck 38, a wedging engagement is achieved that tends to squeeze substantially all the contents from the cartridge assembly.

In use, a cartridge of the type shown herein is open at the bottom in order to be filled with a quantity of the product to be dispensed therein. At the time of filling, the orifice 44 is closed with a piece of impervious film-like material such as polyethylene film to form a seal 90 as shown in section in FIG. 6, and as shown in FIGS. 10 and 11 in connection with a modified form of cartridge, to protect the disc 46 from contact with any contaminants.

After the cartridge has been filled, the plunger unit 22 is pressed into seating engagement with the open end of the cylindrical body 20. The body 20, being molded of somewhat yieldable polyethylene, enables the in-turned portion or bead 26 to distend outwardly sufficiently in

13. **Claims 6, 10-11, and 24 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord and in further view of US 6,126,129 (Herron).

14. Claim 6, Lord teaches all of the elements of claim 6 except that the dispensing nozzle of claim 1 is accessible from the outside by being positioned on a vertical slot on a wall of the condiment container holder. Herron teaches this missing element. (Figure 6, elements 60, 220, 230, col. 5, lines 55-70). A person of ordinary skill in the art would find it obvious to adapt Lord with Herron because both are related to fluid dispensing devices, and both devices face the same issue of accessibility to the user, a concern that is always a design consideration in any fluid dispensing device. A person of ordinary skill in the art would be motivated to adapt Lord with Herron because Herron teaches a way to make the dispensing nozzle more accessible by adding a vertical slot in the front of the condiment container holder and orienting the dispensing nozzle to that slot, which only adds to the ease of use and maintenance for the device.

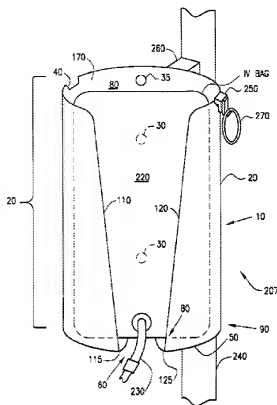


FIG. 6

Herron:

greater than the distance  $D_2$ , but is most preferably about 55  
 four times greater than the distance  $D_2$ .

Turning now FIG. 6, a perspective view of an assembly 60  
 comprising the support apparatus 10 and an intravenous  
 fluid containment vessel 220, having a fluid spout 230, can  
 be seen. While a commonly available plastic IV bag is  
 shown as the containment vessel 220, an IV bottle, typically  
 made from glass, can also be placed within the support  
 apparatus 10 so as to act as a containment vessel 220.

As shown, the support apparatus 10 in this case is formed  
 as an elongated, generally elliptical sleeve 20; however, a 55  
 circular sleeve 25 may also be used. The sleeve 20 is  
 attached to the mounting block 260 using the support

Claim 10, Lord teaches all of the elements of claim 10 except that the condiment  
 dispenser according to claim 1, wherein the dispensing nozzle comprises a flange fixed  
 to the condiment container and a spout extending from the flange, the spout

communicating with the interior of the condiment container. Herron teaches this missing element. (Figure 6, elements 60, 220, 230, col. 5, lines 55-70). A person of ordinary skill in the art would find it obvious to adapt Lord with Herron because both are related to fluid dispensing devices, and both devices face the same issue of accessibility to the user, a concern that is always a design consideration in any fluid dispensing device. A person of ordinary skill in the art would be motivated to adapt Lord with Herron because Herron teaches a way to make the dispensing nozzle even more accessible by adding an extended spout, which only adds to the ease of use and maintenance for the device.

Claim 11, Lord teaches all of the elements of claim 11 except that the condiment dispenser according to claim 10, wherein the dispensing nozzle is made of plastic. Herron teaches this missing element. (Figure 6, elements 60, 220, 230, col. 5, lines 55-70). A person of ordinary skill in the art would find it obvious to adapt Lord with Herron because both are related to fluid dispensing devices, and both devices face the same issue of accessibility to the user and ease of use, a concern that is always a design consideration in any fluid dispensing device. A person of ordinary skill in the art would be motivated to adapt Lord with Herron because Herron teaches that a plastic dispensing nozzle could offer a variety of strengths and flexibilities as diverse as the various plastics, from very rigid to very pliable nozzles, which only adds to the ease of use and maintenance for the device.

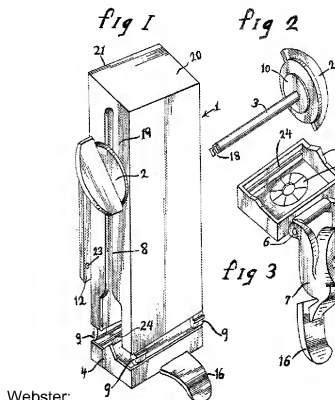
Claim 24, Lord teaches all of the elements of claim 24 except that the vertical slot is part of the holder that is designed to receive the dispensing nozzle of claim 19.

Herron teaches this missing element. (Figure 6, elements 60, 220, 230, col. 5, lines 55-70). A person of ordinary skill in the art would find it obvious to adapt Lord with Herron because both are related to fluid dispensing devices, and both devices face the same issue of accessibility to the user and ease of use, a concern that is always a design consideration in any fluid dispensing device. A person of ordinary skill in the art would be motivated to adapt Lord with Herron because Herron teaches that a plastic dispensing nozzle could offer a variety of strengths and flexibilities as diverse as the various plastics, from very rigid to very pliable nozzles, which only adds to the ease of use and maintenance for the device.

15. **Claims 7 and 25 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord and in further view of US 4,220,260 (Webster).

16. Claim 7, Lord teaches all of the elements of claim 7 except that the shaft of claim 1 is supported by brackets that are slidably supported in slots in the holder. Webster teaches this missing element. (Figures 1-2, elements 2-3, 10, col. 1 lines 55-70, col. 2, lines 1-15). A person of ordinary skill in the art would find it obvious to adapt Lord with Webster because both are related to paste and fluid dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Webster because Webster teaches that a way to create a reliable way to simultaneously provide enough rigidity to create tension and pressure in the condiment container, and yet adjust the position of the shaft as the condiment container empties.





In FIG. 1 there is illustrated a collapsible tube caddy dispenser designated at 1, consisting of a casing, rectangular in configuration and cross section, and formed of plastic or any other suitable material. The device has opposed side walls 19, 19, rear wall 12, and top wall 20. The bottom of the casing is open but is adapted to be closed by a bottom unit 4, which is comprised of the closure cap mounting 7, which has a hinged member 6. The side walls 19, 19, form an equal distance from the top wall 20, to the bottom and thereof. The side walls 19, 19, have elongated slots 8, 8 extending longitudinally and substantially along the mid-width location of the side walls, allowing for the shaft key 3, to slide upwardly into the receptacle thus providing a guide for the disks 10, 10, located on shaft key 3. The disks work

with the knobs 2, 2, like a spool allowing just enough space between disk and knob to ride smoothly along elongated slots in the casing, thus giving firm control on key shaft 3, at all times during the dispensing of a product from a tube. The shaft key 3, provides an elongated groove 18, to receive the butt end of a conventional collapsible tube 17, as shown in FIG. 3. The left knob is removed for the shaft 3, to receive the butt end of a tube, and replaced to its respective position to be used as a dispensing device. The bottom unit 4, receives the threaded neck of a collapsible tube as shown in FIG. 3. The threaded neck of the tube is pushed through the flexible pronged opening 9, in the bottom unit so that the end of the prongs engage in the threads on the neck of the tube. The ends of the prongs at the opening 5, are

Claim 25, Lord teaches all of the elements of claim 25 except that the shaft of claim 19 is rotatably supported by a bracket that is slidably mounted on one of the walls of the holder. Webster teaches this missing element. (Figures 1-2, elements 2-3, 10, col. 1 lines 55-70, col. 2, lines 1-15). A person of ordinary skill in the art would find it obvious to adapt Lord with Webster because both are related to paste and fluid

dispensers. A person of ordinary skill in the art would be motivated to adapt Lord with Webster because Webster teaches that a way to create a reliable way to simultaneously provide enough rigidity to create tension and pressure in the condiment container, and yet adjust the position of the shaft as the condiment container empties.

17. **Claims 8-9, and 18 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord and in further view of US 6,591,874 (Credle, Jr.).

18. Claim 8, Lord teaches all of the elements of claim 8 except that the condiment container is a flexible plastic bag sealed along its perimeter, the dispensing nozzle positioned in one of the corners of the bag. Credle teaches this missing element. (Figure 1, element 180, 190, 200, col. 3, lines 25-55). A person of ordinary skill in the art would find it obvious to adapt Lord with Credle because both are related to fluid dispenser containers. A person of ordinary skill in the art would be motivated to combine these references because Credle shows a way to locate the dispensing nozzle in a variety of locations, which could potentially ease the installation and removal of any condiment containers that would be used in Lord's device.

Credle:

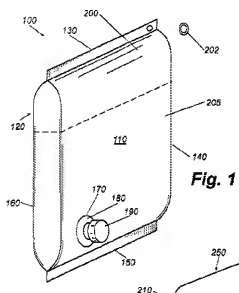


Fig. 1

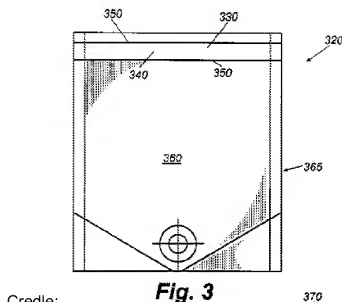
hold about one (1) to about three (3) liters or so of a beverage. The pouch 100 may be about six (6) to about fourteen (14) inches in length and about five (5) to about ten (10) inches in width. The pouch 100, however, may be manufactured in any convenient size or shape.

The walls 110, 120 are sealed together in a conventional fashion such that the pouch 100 has a first edge 130, a second edge 140, a third edge 150, and a fourth edge 160. A heat seal 165 may be formed along the edges 130, 140, 150, 160. One of the walls 110, 120 has a hole 170 punched therein with a valve 180 positioned within the hole 170. The valve 180 is generally heat sealed into place within the wall 120, 130. The valve 180 is generally closed with a cap 190. A spout is generally not used herein.

One of the edges 130, 140, 150, 160 preferably has a hanging hole 200 positioned therein. The hanging hole 200 may be a hole in the material of the pouch 100, preferably along the heat seal 165. The size of the heat seal 165 may be increased in the vicinity of the hanging hole 200 or multiple heat seals 165 may be applied such that the hanging hole 200 can support the pouch 100 without pulling or tearing. The hanging hole 200 may be re-enforced with a metal or plastic layer. The pouch 100 may be hung directly by the hanging hole 200. Further, a connector 202 or some similar structure may be inserted within the hanging hole 200 such that the pouch 100 also may be hung by the connector 202. The connector 202 may be in the form of a hook, a ring, or the like capable of supporting the pouch 100. The pouch 100 may have any number of hanging holes 200 and connectors 202.

The pouch 100 may be manufactured by the "form, fill, and seal" method. This method is in contrast to the usual method of filling a pre-made bag-in-box pouch through the

Claim 9, Lord teaches all of the elements of claim 9 except that the condiment container is a flexible plastic bag having angled seals and a bottom seal, the dispensing nozzle positioned between two angled seals and the bottom seal. Credle teaches this missing element. (Figure 1, 3, element 180, 190, 200, col. 4, lines 25-40). A person of ordinary skill in the art would find it obvious to adapt Lord with Credle because both are related to fluid dispenser containers. A person of ordinary skill in the art would be motivated to combine these references because Credle shows a way to locate the dispensing nozzle in a variety of locations, which could potentially ease the installation and removal of any condiment containers that would be used in Lord's device.



Credle:

25 surrounding the base panel 250. The hanging hole 310 thus supports the alternative pouch 210 without pulling or tearing.

FIG. 3 shows a further embodiment of the present invention. Instead of a hanging hole 200, 310, a pouch 320 has a rod seam 330 formed therein. The rod seam 330 may be formed by heat sealing a substantially rectangular strip of material 340 along its edges 350 to one wall 360, 365 of the pouch 320 via heat seal 367. Alternatively, the heat seal 367 forming the walls 360, 365 could simply be repeated with a space in between such that the seam 330 is created.

FIG. 4 shows a further embodiment of the present invention. An alternative pouch 370 has a hook flament 380. The hook flament 380 is positioned within a heat seal 388 or otherwise attached to one of the walls 390, 395 of the pouch 370 by conventional means. The hook flament 380 acts in a

Claim 18, Lord teaches all of the elements of claim 18 except that the condiment container is a flexible plastic bag containing at least one gallon of edible food condiment. Credle teaches this missing element, as it is a matter of obvious design choice. (Figure 1, 3, element 180, 190, 200, col. 1, lines 20-35). A person of ordinary skill in the art would find it obvious to adapt Lord with Credle because both are related to fluid dispenser containers. A person of ordinary skill in the art would be motivated to combine these references because Credle shows a way that one gallon or more containers are compatible with Lord, which only adds to the flexibility of use of the Lord device. Credle discloses that "bag in a box" devices like its own device have been used widely in the industry, and that typically the pouches carry 5 gallons of beverage or syrup. Credle does not disclose expressly that the device can accommodate at least one gallon of edible food condiment. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to

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substitute one gallon of edible food condiment for the five gallons of beverage syrup because Applicant has not disclosed that the condiment holder provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with beverage syrup in the container as edible food condiment because both would fit into the pouch just as easily. Therefore, it would have been an obvious matter of design choice to modify Lord and Credle to obtain the invention as specified in claim 18.

OUTER LAYER OF LLDPE/HDPE/LLDPE, WITH THE LAYERS 30  
on each side of the nylon, or similar materials. The two (2)  
LLDPE layers are preferably about 1.4 mil, the nylon about  
1.0 mil, and the tie layers about 0.1 mil. The pouch 100 may  
hold about one (1) to about three (3) liters or so of a  
beverage. The pouch 100 may be about six (6) to about  
fourteen (14) inches in length and about five (5) to about ten  
(10) inches in width. The pouch 100, however, may be  
manufactured in any convenient size or shape.

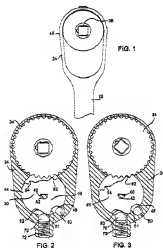
The walls 110, 120 are sealed together in a conventional  
fashion such that the pouch 100 has a first edge 130, a  
second edge 140, a third edge 150, and a fourth edge 160.  
A heat seal 165 may be formed along the edges 130, 140,  
150, 160. One of the walls 110, 120 has a hole 170 punched  
therein with a valve 180 positioned within the hole 170. The  
valve 180 is generally heat sealed into place within the wall  
120, 130. The valve 180 is generally closed with a cap 190.

Credle: 120, 130. The valve 180 is generally closed with a cap 190.

19. **Claims 16, 20-21 and 26 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord as modified in claims 1, 20, and 25 respectively and in further view of US 6,792,830 (DeKeuster et. al.).
20. Claim 16, Lord teaches all of the elements of claim 16 except that a ratchet is affixed to the shaft with a pawl positioned to engage the ratchet and only permit rotation in one direction. DeKeuster teaches this missing element. (Figures 1-3, elements 22, 36, 44, col. 1 lines 35-55, col. 3, lines 10-55). It would be obvious to a person of ordinary skill in the art to adapt Lord with DeKeuster because both devices control dispensation and movement in small increments. A person of ordinary skill in the art

would be motivated to combine these references because DeKeuster provides a reliable and effective way to incrementally dispense a container, which is a common problem with all dispensers where the consistency of the amount dispensed and the quick availability of further dispensation is a priority, two concerns that all dispenser designers need to take into consideration.

DeKeuster:



Referring to FIGS. 1-3, an embodiment of a unidirectional ratchet wrench is illustrated. In this embodiment, a ratchet wrench 20 is illustrated. However, the present device may be used for any type of unidirectional or one-way reversing ratchet wrench assembly, such as a split beam torque wrench. The ratchet wrench 20 includes a handle 22 coupled to a head 24. The head defines a cavity 30 including a part-cylindrical portion 32 overlying with a part-cylindrical portion 33. Disposed in the cavity 30 is a ratchet assembly 35, which includes a rotatable gear 34 having teeth 36 and a square drive member 38 for engaging an associated socket or other tool (not shown). A pawl 44 is disposed in the cavity portion 33 and the pawl also has a smaller, substantially part-cylindrical opening 40 therein housing a pawl pin 42. In an embodiment the pawl 44 is rotatable about the axis of the pawl pin 42. However, in other embodiments the pawl may be mounted as a pivotal member whether or not it is also rotatable about its axis. The rotatable gear 34, the pawl pin 42 and the pawl 44 are retained within the head 24 by a cover plate 46 fixed to the head by fasteners (not shown). The pawl pin 42 and pawl 44 in an embodiment may be a one-piece construction.

The pawl 44 has a first side 60 with engagement teeth 62 and disengaging teeth 64 and a second opposite side 66 with a pair of cam surfaces 61, 63. The pawl 44 has an upper surface and a lower surface defining the thickness of the pawl 44. In FIG. 2, the rotatable gear 34 is shown adjacent to the pawl 44 with the pawl in a position where one of the pawl teeth 52, 54 are engaging with the gear teeth 36. In an embodiment a point 48 of the first cam surface 61 is engageable with an obstruction 80 disposed in the head 24. In normal operation the pawl 44 may rotate in its operating condition between a disengaged position (FIG. 2) wherein the engagement teeth 52 are not in engagement with the gear 34, and an engaged position (FIG. 3) wherein the engagement teeth 52 engage the gear 34. In an embodiment, the obstruction 80 may be a pin. In other embodiments an obstruction member may include a ball or a protruding portion of the head formed integrally with the head 24 or formed as one-piece with the head 24, as a member on the cover plate 46.

During ratcheting movement of the wrench 20, the pawl 44 oscillates between the FIG. 3 and FIG. 2 operating positions. Upon rotation from the engaged position of FIG. 3 to the disengaged position of FIG. 2, the pawl 44 second cam surface 63 interacts with a bias mechanism including a

ating condition, it may stay in a neutral position in which the pawl cannot engage the ratchet gear at all. This renders the wrench useless and again, typically requires disassembly of the ratchet mechanism in order to correct the problem.

SUMMARY

The new and improved wrench of the present application in an embodiment provides for a ratchet wrench comprising a head having a drive member, a rotatable gear disposed in the head and having gear teeth, a pawl disposed in the head in an operating condition in which the pawl is pivotally engageable with the gear to allow torque-applied loading of the gear with the head in a first direction and ratcheting rotation of the head relative to the gear in an opposite direction and an obstruction disposed within the head for engagement with the pawl to prevent the pawl from moving from its operating condition.

The wrench in an embodiment includes a pawl that includes a cam surface having a shape that permits the pawl to be biased to a first pawl operating condition accommodating torque application when the wrench is rotated in one direction and inhibiting operation when the wrench is

Claim 20, Lord teaches all of the elements of claim 20 except that the device of claim 19 has a means for fixing the rotational position of the shaft after the shaft has been rotated to dispense condiment from the nozzle. DeKeuster teaches these missing elements. (Figures 1-3, elements 22, 36, 44, col. 1 lines 35-55, col. 3, lines 10-55). It would be obvious to a person of ordinary skill in the art to adapt Lord with DeKeuster because both devices control dispensation and movement in small increments. A person of ordinary skill in the art would be motivated to combine these references because DeKuester provides a reliable and effective way to incrementally dispense a container, which is a common problem with all dispensers where the consistency of the amount dispensed and the quick availability of further dispensation is a priority, two concerns that all dispenser designers need to take into consideration.

Claim 21, Lord teaches all of the elements of claim 21 except that a ratchet is fixed to the shaft of claim 20 and a pawl is engaged with the ratchet to only allow movement in one direction. DeKeuster teaches these missing elements. (Figures 1-3, elements 22, 36, 44, col. 1 lines 35-55, col. 3, lines 10-55). It would be obvious to a

person of ordinary skill in the art to adapt Lord with DeKeuster because both devices control dispensation and movement in small increments. A person of ordinary skill in the art would be motivated to combine these references because DeKeuster provides a reliable and effective way to control the movement required for the dispensation with the assistance of a ratchet and pawl, incrementally dispensing the container, which is a common problem with all dispensers where the consistency of the amount dispensed and the quick availability of further dispensation is a priority, two concerns that all dispenser designers need to take into consideration.

Claim 26, Lord teaches all of the elements of claim 26 except that ratchet and pawl of claim 25 has the pawl mounted on the brackets. DeKeuster teaches this missing element. (Figures 1-3, elements 22, 36, 44, col. 1 lines 35-55, col. 3, lines 10-55). A person of ordinary skill in the art would find it obvious to mount the pawl on the brackets as this is a matter of obvious design choice. DeKeuster discloses a pawl and ratchet system, but it does not disclose expressly that the pawl should be mounted on a given bracket. At the time of the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to mount the pawl on the bracket, because Applicant has not disclosed that mounting the pawl on the bracket provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the pawl mounted in another location, as long as it interacted effectively with the ratchet mechanism, because the result would be the same: a control over the one way direction of actuation. Therefore, it would have been



obvious matter of design choice to modify the pawl of claim 25 to obtain the invention as specified in claim 26.

22. **Claim 17 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Lord in view of DeKeuster and in further view of Webster.

23. Claim 17, Lord teaches all of the elements of claim 17 except that the end portions of the shaft in claim 16 are supported in respective brackets which can slide in their slots in the condiment container holder, with the pawl attached to one of the brackets. Webster teaches these missing elements. (Figures 1-2, elements 2-3, 10, col. 1, lines 55-70, and col. 2, lines 1-15). Webster teaches a set of brackets in respective supported slots that can slide along the slot. DeKeuster, as elaborated upon in claim 16, teaches a pawl that could be attached to the bracket. It would be obvious to a person of ordinary skill in the art to adapt Lord and DeKeuster with Webster because all of the devices either control dispensation by small incremental movements, or are devices that function by creating small incremental movements. A person of ordinary skill in the art would be motivated to combine these references because Webster provides a reliable and effective way to control the movement required for the dispensation with the assistance of a pawl, two brackets and two vertical slots, incrementally dispensing the container, which is a common problem with all dispensers where the consistency of the amount dispensed and the quick availability of further dispensation is a priority, two concerns that all dispenser designers need to take into consideration.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW P. BAINBRIDGE whose telephone number is (571)270-3767. The examiner can normally be reached on Monday to Friday, 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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